

**To:** cfoe@waterboards.ca.gov[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Erin Foresman/OU=R9/O=USEPA/C=US  
**Sent:** Wed 11/2/2011 3:32:57 PM  
**Subject:** Re: Fw: updated set of comments on BDCP Toxins Appendix D  
EPA comments on BDCP Appendix D Toxins 11-1-11.docx  
<http://www.epa.gov/region9/water/watershed/sfbay>  
<http://www.epa.gov/region9/water/watershed/sfbay>

Hi Chris,

That is good news. I asked about DWR State Board coordination at a BDCP meeting (one of the many) last week and received some confusing answers. Absolutely, build on what we've done as a group, see attached. This is what I provided to Federico Barajas at DOI. It includes your comments (thanks!). I added more content at the end that you have not yet seen and there may be copper comments from USGS that you have not seen yet.

Also, I received a comment after I sent ours in and maybe you can include it in yours if you agree with it. A scientist recommended contacting Jay Davis at SFEI and getting a recent report they did (it's not on their website that I can find) about mercury solutions in SF Bay. I'll find the report and get it to you before your deadline and then you can decide whether or not it is worth mentioning in your comments. If it is that great of a reference for them, I can always send it to Federico late and he can include it in his final collation of federal agency comments to the BDCP group. The main thing is to make sure DWR and ICF know about it if it is a good resource.

If you can send me a copy of what you guys hand out when you finish, that would be v. much appreciated :).

Erin

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Chris Foe <cfoe@waterboards.ca.gov> wrote: -----

To: Erin Foresman/R9/USEPA/US@EPA  
From: Chris Foe <cfoe@waterboards.ca.gov>  
Date: 11/01/2011 03:42PM  
Subject: Re: Fw: updated set of comments on BDCP Toxins Appendix D

Erin, I learned after I sent you our comments that State Board water rights had received the same review request at about the same time from DWR. State Board is just late in soliciting help. State Board also received appendix C (flow effects?) for comment. comments are due next monday. State Board has asked R5 to submit comments to them on Appendix D to be collated with theirs for Appendix C. Would you mind sending me your final draft? I liked many of your comments and will, if you agree, change the words but keep the ideas and resubmit them. thanks for your help. chris

>>> 11/01/11 9:42 AM >>>

Hi Chris,

Thank you so much for providing your input and collating it with others at RB5. It will v. much help to focus the comments and help DWR improve their document before public release in May 2012.

Your assumption about this being an appendix to the programmatic document is correct. Sorry I didn't provide context before. I thought that the water board's sister agencies would also be asking for input and providing schedules for admin drafts. BDCP Toxins Appendix D is an appendix to Chapter 5 "The Effects Analysis" of the programmatic and project level EIS/EIR for BDCP. DWR is attempting to evaluate the restoration projects at the programmatic level of information and analysis and the Delta Conveyance (intakes, pipeline or canal, and other items) and some other BDCP actions at the project level of analysis. The Effects Analysis, as I understand it, is supposed to be evaluating the impact of BDCP actions on T & E species. I have not seen the Effects Analysis but know that it received a poor review from the BDCP NRC review panel that was formed at Senator Feinstein's request. ICF was hired by DWR to improve the Effects Analysis (Chapter 5 of the EIS/EIR) and they are releasing pieces of the administrative draft to cooperating agencies to get feedback as early as possible. This allows DWR and ICF to improve the Draft EIS before releasing in 2012. Your input is helping EPA provide DWR with the best feedback possible and hopefully it will be used to improve the draft EIS/EIR.

Hope you have a great Tuesday! Thanks again,  
Erin

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-----Chris Foe <cfoe@waterboards.ca.gov> wrote: -----

To: Erin Foresman/R9/USEPA/US@EPA

From: Chris Foe <cfoe@waterboards.ca.gov>

Date: 10/31/2011 04:38PM

Subject: Re: Fw: updated set of comments on BDCP Toxins Appendix D

Erin, I have attached track change versions to your preliminary comments. the changes reflect both my thoughts and those of Janis. Stephanie did not have time to read document. I think you and I are often saying much the same thing with different words. My main comment is that, if this is the programmatic environmental document for toxics, then I want BDCP to acknowledge that some of their actions have the potential to cause or contribute to water quality violations. My understanding is that this will trigger a project specific environmental document where BDCP will be forced to mitigate to the maximum extent possible. I would like the folks in charge of BDCP to be alerted to this now instead of hearing it from us much later during the 401 process. You may edit or omit any of my proposed insertions as you see fit. thanks for including us. chris

>>> <Foresman.Erin@epamail.epa.gov> 10/28/2011 1:43 PM >>>

Hope your presentation went well! I'm sending an updat to the draft comments on bdcp toxins appendix.

Talk to you soon

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-----Forwarded by Erin Foresman/R9/USEPA/US on 10/28/2011 01:42PM -----

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To: Karen Schwinn/R9/USEPA/US@EPA  
From: Erin Foresman/R9/USEPA/US  
Date: 10/28/2011 12:18PM  
Cc: Bruce Herbold/R9/USEPA/US@EPA, Carolyn Yale/R9/USEPA/US@EPA  
Subject: updated set of comments on BDCP Toxins Appendix D  
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Hi All,

This draft comment document reflects discussions, emails, and comments from USGS & EPA. Have not yet spoken with Chris Foe but plan to hopefully Tuesday. I am out on Monday. I don't have anything in the sections for endocrine disruptors and other urban contaminants.

Karen, when is the last possible time to get these comments to you?

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[attachment "DRAFT EPA comments on Appendix D Toxins of BDCP-foe.docx" removed by Erin Foresman/R9/USEPA/US]